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January 27, 2025

The Honorable Valerie Figueredo
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Sportvision, Inc. et al. v. MLB Advanced Media, L.P.*, No. 18-cv-03025-PGG-VF

Dear Judge Figueredo:

Pursuant to Rule I(g) of Your Honor's Individual Practices in Civil Cases, and MLBAM's Request for Sealing (ECF No. 502), which this Court memo-endorsed on December 30, 2024, MLBAM submits this letter motion respectfully requesting that the Court permanently seal Exhibit B to MLBAM's Objection to Magistrate Judge's Memo Endorsement Order of Plaintiffs' Letter Seeking a Partial Lift of the Stay.

Documents may be sealed in whole or in part where it "is essential to preserve higher values and is narrowly tailored to serve that interest." *In re Search Warrant Dated Oct. 13, 2023*, No. 23MISC389JLRVF, 2023 WL 6938292, at *2 (S.D.N.Y. Oct. 20, 2023) (quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotations omitted)). In evaluating a party's request to file under seal, courts balance the competing interests of the presumption of public access to judicial documents against "countervailing factors," including the "privacy interests of those resisting disclosure." *Lugosch*, 435 F.3d at 119–20 (internal quotations omitted); *see also Ramirez v. Temin & Co., Inc.*, No. 20 CIV. 6258 (ER), 2020 WL 6781222, at *3 (S.D.N.Y. Nov. 18, 2020) ("the presumption of access may be outweighed when there are considerations of the need to conceal confidential business information that could harm a defendant's competitive position or reveal a trade secret."). Protecting sensitive business information is among the "'higher values' consistently recognized by courts in this Circuit" as a "'countervailing factor' that can prevail over the presumption of public access." *CBF Industria de Gusa S/A v. AMCI Holdings, Inc.*, No. 13-cv-2581-PKC-JLC, 2021 WL 4135007, at *4 (S.D.N.Y. Sept. 10, 2021).

Documents containing "revenue" and "pricing information" are among the types of documents frequently found to satisfy the requirements for sealing. *See Rensselaer Polytechnic Inst. v.*

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Amazon.com, Inc., 1:18-CV-00549 (BKS/CFH), 2019 WL 2918026, at *2 (N.D.N.Y. June 18, 2019 (internal quotations omitted); *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y. 1999) (“Documents falling into categories commonly sealed are those containing trade secrets, confidential research and development information, marketing plans, revenue information, pricing information, and the like.”).

MLBAM seeks to permanently seal Exhibit B to MLBAM’s Objections (ECF No. 500). Exhibit B is an expert report submitted by Plaintiffs’ damages expert, Mr. Philip Green. Mr. Green’s report describes highly sensitive financial information from both Plaintiffs and MLBAM, including revenue, pricing, and cost data, as well as details about contracts and other information that Plaintiffs have alleged describes their trade secrets. (Littmann Decl. ¶ 5.) The report itself has been designated as “Highly Confidential – Attorneys’ Eyes Only” and the documents that it relies on are predominantly marked in the same manner. (*Id.* ¶ 6.) The report also includes multiple excerpts of these documents.

For the reasons stated above, Plaintiffs respectfully request that the Court consider and grant this letter motion to seal.

Respectfully submitted,

/s/ Alan Littmann

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MEMO ENDORSED



**HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE**

Dated: 1/28/25

The motion to seal is GRANTED. The Clerk of Court is directed to terminate the motion at ECF No. 507 and to maintain the seal at ECF No. 500.